



Public Health Environmental Health Services

Trudy Raymundo Director

Corwin Porter Assistant Director

Maxwell Ohikhuare, M.D. **Health Officer**

July 14, 2017

Public Water System No. 3600012

Apple Valley View MWC Mr. Joe Saltmeris, President PO Box 3680 Apple Valley, CA 92307-0072

CITATION NO. 05 66 17C 022 3600012 02 FLUORIDE MAXIMUM CONTAMINANT LEVEL (MCL) EXCEEDANCE

Enclosed is Compliance Order Citation No. 05 66 17C 022 3600012 02 issued to the Apple Valley View MWC public water system.

Any future enforcement actions taken by the Division of Environmental Health Service (Division) regarding this citation will be billed at the Division's current hourly rate of \$244.80. Future enforcement actions may include any time spent by the Division due to Apple Valley View MWC's failure to meet any directives as stated on Citation No. 05 66 17C 022 3600012 02.

Any person or entity who is aggrieved by a citation, order or decision issued by the Division of Environmental Health Services (DEHS) under Article 8 (commencing with Health and Safety Code, Section 116625), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order, or decision. Appendix 1 to the enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the DEHS. The date of issuance is the date when the DEHS mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 pm.

Information regarding filing petitions is available at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Thank you,

Belinda Huy, EHS

Division of Environmental Health Services

San Bernardino County

Certified Mail No. 7012 2920 0000 1369 0185

cc: Eric Zuniga, District Engineer, SWRCB-DDW by email at eric.zuniga@waterboards.ca.gov

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San Bernardino County Department of Public Health DIVISION OF ENVIRONMENTAL HEALTH SERVICES

IN RE: Apple Valley View MWC

24288 Shoshone Rd. Apple Valley, CA 92307

ATTN: Mr. Joe Saltmeris

PO Box 3680

Apple Valley, CA 92307

CITATION NO. 05_66_17C_022_3600012_02
FOR VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555(a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR FLUORIDE TITLE 22,
CALIFORNIA CODE OF REGULATIONS, SECTION 64432(a)

Issued July 14, 2017

The Division of Environmental Health Services (hereinafter "Division"), hereby issues this compliance order (hereinafter "Order") pursuant to Section 116555 of the California Health and Safety Code (hereinafter "CHSC") to the Apple Valley View MWC (hereinafter "Water System") public water system and its owner of record for violation of CHSC section 116555(a) (1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64432(a).

APPLICABLE AUTHORITIES

The applicable statutes and regulations are provided in Attachment A, attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Water System is a Public Water System located in San Bernardino County that supplies water to a community with a population of 275 through 81 service connections. The Water System is permitted as a Community Water System as defined in CHSC, Section 116275 (k). The Water System utilizes two groundwater wells (Well No. 2 and Well No. 3) as its source of domestic water. Wells 2 and 3 are located within approximately 20-feet of each other. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents, including fluoride. All public water systems must comply with the maximum contaminant level (MCL) for fluoride of 2.0 mg/L, as established in Title 22 CCR Section 64431-A. The current running annual average (RAA) from Well 2 on April 17, 2017, was established at an average fluoride concentration of 2.8 mg/L (see Table 1). Fluoride was not analyzed from Well 3. The current RAA for active groundwater Well 2 exceeds the MCL.

Table 1: Fluoride Analysis Results and RAAs for Well 2

Well 2 Fluoride	07/11/2016	10/18/2016	01/16/2017	04/17/2017	RAA (mg/L)
PS Code 3600012-002	2.9	2.7	2.7	2.8	2.8

The following is a timeline that represents prior enforcement actions by the Division in efforts to return The Water System into compliance with the CHSC and CCR.

October 7, 2012

Compliance Order CC0000124 was issued to the Water System, which required the Water System to comply with the primary drinking water standard for fluoride by submitting a Compliance Action Plan by April 30, 2014, to achieve compliance by October 31, 2014.

October 28, 2014

Compliance Order CC0000026 was issued to the Water System, which required the Water System to submit a written response by November 30, 2014, indicating its willingness to comply with the directives of the Compliance Order and submit a Compliance Action Plan by December 31, 2014. A written response from the Water System was submitted on November 18, 2014, that the Water System will comply with the directives of the Compliance Order. On December 29, 2014, a document was submitted from the Water System stating that California Rural Water Association will be working with the Water System to secure loans and grants to reduce the fluoride to an acceptable level. If loans or grants could not be secured, the Board of Directors implemented a rate increase and a Capital Improvement Assessment increase on stockholders of the Water System. A well analysis to block fluorides using a water treatment system and an inner tie to blend the water with Apple Valley Ranchos Water Company were being considered.

The Water System is currently in the process of seeking funding from the State Water Resource Control Board, Division of Funding Assistance (DFA).

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Water System and its owner of record have violated CHSC, Section 116555 and Section 64432 in that groundwater Well 2 exceeds the fluoride MCL.

DIRECTIVES

The Water System and its owner of record are hereby directed to take the following actions:

1. By **December 31, 2018**, comply with Title 22, CCR, and Section 64432 and remain in compliance. The Water System shall work with DFA and submit all required

documents by their due dates if the Water System is seeking financial assistance. Comply by date may be adjusted by the Division depending on the Water System's cooperation with DFA and DFA's funding timeline.

- 2. By **August 18, 2017**, submit a written response to the Division indicating its agreement to comply with the directives of this Citation and with the Corrective Action Plan addressed herein.
- Commencing on the date of service of this Citation, provide quarterly public notification in accordance with Attachment B, hereto, of the Water System's failure to meet the fluoride MCL. The quarterly notification must include the most recent quarterly fluoride results.
- 4. Commencing on the date of service of this Citation, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following the end of the reporting period, using the form provided as Attachment C, hereto.
- 5. Commencing on the date of service of this Citation collect quarterly samples for fluoride from groundwater source Well 2 as required by Section 64432 (c)(2), and ensure that the analytical results are reported to the Division no later than the 10th day following the month in which the analysis was completed via electronical data transfer (EDT) by the analyzing laboratory, using the following PS Codes:

Water Well	PS Code
Well 2	3600012-002

- 6. Prepare for the Division approval a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the fluoride MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project design, construction, and startup, and a date as of which the Water System will be in compliance with the fluoride MCL, which date shall be no later than **December 31, 2018**.
- 6. By **September 15, 2017** submit the Corrective Action Plan required under Directive No. 6, above, to the Division's office located at 385 North Arrowhead Avenue, 2nd Floor, San Bernardino, CA 92415.
- 7. Timely perform the Division-approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein
- 8. By **October 13, 2017** and every three months thereafter [within the 10th day of the end of the quarter], submit a report to the Division in the form provided as Attachment D, hereto, showing actions taken during the previous calendar three months to comply

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with the Corrective Action Plan. Include all information and updates regarding DFA funding process and the efforts made to bring the Water System in compliance.

- Not later than ten (10) days following the date of compliance with the fluoride MCL, demonstrate to the Division that the water delivered by Water System complies with the fluoride MCL.
- 10. Notify the Division in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: <u>Apple Valley View MWC, 3600012, 05-66-17C-022 and the title of the document being submitted.</u>

Belinda Huy, EHS Environmental Health Specialist belinda.huy@dph.sbcounty.gov

As used in this Citation, the date of issuance shall be the date of this Citation; and the Date of service shall be the date of service of this Citation, personal or by certified mail, on the Water System.

The Division reserves the right to make such modifications to this Citation and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be deemed effective upon issuance.

Nothing in this Citation relieves Water System or its owner of record of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

PARTIES BOUND

This Citation shall apply to and be binding upon the Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Water System and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order

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issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Division. The Division does not waive any further enforcement action by issuance of this Order.

Belinda Huy, EHS

Division of Environmental Health Services

San Bernardino County

Attachments:

Attachment 1: Applicable Authorities

Attachment 2: Tier 2 Public Notification Instructions and Template Attachment 3: Public Notification Certification of Completion Form

Attachment 4: Quarterly Progress Report Template

Applicable Statues and Regulations

Applicable Statues and Regulations For Citation No. 05_66_17C_022_3600012_02 Violation of Fluoride MCL

CHSC, Section 116555(a)(1) states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
 - (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the department.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to , any or all of the following requirements:
 - (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 116701 (Petitions to Orders and Decisions) states in relevant parts:

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence. (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

Title 22, California Code of Regulations (CCR), Section 64431, states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A Maximum Contaminant Levels Inorganic Chemicals

Chemical	Maximum Contaminant Level
Fluoride	2.0 mg/L

Title 22, CCR, Section 64432, states in relevant part:

- (a) All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs in table 64431-A, pursuant to subsections (d) through (f) and Section 64432.1. All community and nontransientnoncommunity water systems shall monitor to determine compliance with the perchlorate MCL, pursuant to subsections (d), (e), and (l), and section 64432.3. All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs in table 64431-A, pursuant to subsections (b) through (n) and, for asbestos, section 64432.2. Monitoring shall be conducted in the year designated by the State Board of each compliance period beginning with the compliance period starting January 1, 1993.
- (c) Unless more frequent monitoring is required pursuant to this Chapter, the frequency of monitoring for the inorganic chemicals listed in table 64431-A, except for asbestos, nitrate/nitrite, and perchlorate, shall be as follows:
 - (1) Each compliance period, all community and nontransient-noncommunity systems using groundwater shall monitor once during the year designated by the State Board. The State Board will designate the year based on historical monitoring frequency and laboratory capacity. All community and nontransientnoncommunity systems using approved surface water shall monitor annually. All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually.
 - (2) Quarterly samples shall be collected and analyzed for any chemical if analyses of such samples indicate a continuous or persistent trend toward higher levels of that chemical, based on an evaluation of previous data.

Appenix 64465-D. Health Effects Language Inorganic Contaminants.

Contaminant	Health Effects Language	
Fluoride	For the Consumer Confidence Report: Some people who drink water containing fluoride in excess of the federal MCL of 4 mg/L over many years may get bone disease, including pain and tenderness of the bones. Children who drink water containing fluoride in excess of the state MCL of 2 mg/L may get mottled teeth. For a Public Notice: This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/L. Dental fluorosis may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in	

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developing teeth, before they erupt from the gums.
Children under nine should be provided with alternative
·
sources of drinking water or water that has been treated to
remove the fluoride to avoid the possibility of staining and
pitting of their permanent teeth. You may also want to
contact your dentist about proper use by young children of
fluoridecontaining products. Older children and adults may
safely drink the water. Drinking water containing more than
4 mg/L of fluoride can increase your risk of developing bone
disease. For more information, please call [water system
contact name] of [water system name] at [phone number].
Some home water treatment units are also available to
remove fluoride from drinking water. To learn more about
available home water treatment units, you may call the
State Board's Residential Water Treatment Device
Registration Unit at (916) 449-5600.
11691311411011 01111 41 (310) 443-3000.

Appendix 64481-A. Typical Origins of Contaminants with Primary MCLs, MRDLs Regulatory Action Levels, and Treatment Techniques

Inorganic Contaminant	Major origins in drinking water
Fluoride	Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories

Public Notification Template w/ Instructions

Instructions for Tier 2 Fluoride MCL Notice Template

Template Attached

Since exceeding the fluoride maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

If You Are a	You Must Notify Consumers by	and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method	
Community	Mail or direct delivery (a)	Publication in a local newspaper	
Water System		Posting in conspicuous public places	
[64463.4(c)(1)]		served by the water system or on the	
		Internet (b)	
		Delivery to community organizations	
Non-Community	Posting in conspicuous	Publication in a local newspaper or	
Water System	locations throughout the	newsletter distributed to customers	
[64463.4(c)(2)]		Email message to employees or students	
	system (b)	Posting on the Internet or intranet (b)	
		Direct delivery to each customer	

- (a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.
- (b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2)

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include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove fluoride or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for fluoride."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

MPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Apple Valley View MWC Has Levels of Fluoride Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed fluoride levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of 2.0 milligrams per liter.

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an emergency. If it had been, you would have been notified immediately. However, some people who drink water containing fluoride in excess of the MCL over many years may experience bone disease, including pain and tenderness of the bones. Children who drink water containing fluoride in excess of the MCL may experience mottled teeth.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

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Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by	[<mark>system]</mark> .	
State Water System ID#:	Date distributed: _	

Public Notification Certification of Completion Form

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Certification of Completion of Public Notification

*Due to the Division of Drinking Water within 10 days of issuance of notice to customers

This form, when completed and emailed to Belinda Huy at belinda.huy@dph.sbcounty.gov, serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name:		
Public Water System No.:		
☐ The notice was mailed to users on:A copy of the notice is attached.		
☐ The notice was hand delivered to water customers on:		
A copy of the notice is attached.		
☐The notice was published in the local newspaper on:		
A copy of the newspaper notice is attached.		
☐ The notice was published in conspicuous places on: A copy of the notice is attached. A list of locations the notice was posted is attached.		
□The notice was delivered to community organizations on: A copy of the notice is attached. A list of community organizations the notice was delivered to is attached.		
I hereby certify that the above information is factual.		
Signature		
Printed Name/Title		
,		
Date Date		

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

System Number: **3600012** Citation No. 05_66_17C_022_3600012_02

Quarterly Progress Report

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Quarterly Progress Report

Water System: Apple Valley View MWC	Water System No.: 3600012
Citation No. 05_66_17C_022_3600012_02	Violation: Fluoride MCL
Calendar Quarter:	Date Prepared:
This form should be prepared and signed by Wate implement the directives of the Compliance Order additional sheets as necessary. The quarterly progreach subsequent quarter, to San Bernardino County	r and the Corrective Action Plan. Please attach ress report must be submitted by the 10th day of
Summary of Compliance Plan:	
Tasks completed in the reporting quarter:	
Tasks reaming to complete:	
Anticipated compliance date:	
;	Signature
•	A STATE OF THE STA
;	Printed Name/Title
	inited italie/ like